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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,046	12/20/2000	Jerry Mizell	13729RR	9952

7590 06/18/2003
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P.O. Box 670007
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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,046

Applicant(s)

MIZELL ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Salin.

Regarding claim 6 Salin teaches transceiver circuitry for receiving communication signals over a wireless communication link (see col. 6, lines 15-25 and FIG. 1); and SMS message processing circuitry for reconstructing and processing SMS messages transmitted in a data packet format, the processing circuitry being coupled to received data packets from transceiver circuitry (see col. 6, lines 15-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salin in view of Lorello.

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Regarding claim 7 Salin teaches a device as recited in claim 6 except for legacy SMS message processing circuitry wherein the mobile terminal is coupled to receive SMS messages in both data packet and in legacy SMS message formats. Salin does teach an SMS message that can be transmitted over a primary or a secondary network (see col. 24, lines 1-14) and a data packet network (see abstract and col. 6, lines 1-10). Lorello teaches transmitting a message in a legacy SMS network (see col. 9, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include legacy SMS message processing circuitry wherein the mobile terminal is coupled to receive SMS messages in both data packet and in legacy SMS message formats because this would allow for a flexible routing mechanism that allows for a combination of network routing.

Claims 8-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salin in view of Lorello and Chern.

Regarding claim 8 Salin and Lorello teach a device as recited in claim 7 except for audio processing circuitry coupled to receive communication signals from transceiver circuitry. Chern teaches audio processing circuitry coupled to receive communication signals from transceiver circuitry (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include audio processing circuitry coupled to receive communication signals from transceiver circuitry because this would allow for a wireless device capable of receiving an audio SMS alert message.

Regarding claim 9 Chern teaches a speaker coupled to the audio processing circuitry for producing sound (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

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Regarding claim 10 Chern teaches a microphone for receiving sound waves and for converting the received sound waves into electrical signals that are to produced to the audio processor for processing (see col. 4, lines 29-35, col. 14, lines 50-67 and FIG. 5).

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern in view of Henry-Labordere and Salin.

Regarding claim 1 Chern teaches a mobile terminal comprising: a processor; a memory; transceiver circuitry; an internal bus coupled to a memory, to the transceiver circuitry and to the processor (see col. 15, lines 60-67 and FIG. 7). Chern does not teach a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets and to construct an SMS message. Henry-Labordere teaches computer instructions that define operational logic of a mobile terminal to enable the mobile terminal to remove header information to construct an SMS message (see abstract, col. 3, lines 38-57, and col. 12, lines 34-67). Henry-Labordere also teaches IP address information (see col. 13, lines 9-30). Salin teaches a plurality of data packets that construct an SMS message (see col. 6, lines 15-25 & 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets and to construct an SMS message because this would allow for a flexible mechanism that allows for a combination of network routing.

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Regarding claim 2 Henry-Labordere teaches computer instructions that define operational logic to enable a mobile terminal to process a constructed SMS message (see abstract and col. 12, lines 34-67).

Regarding claim 3 Chern teaches an audio processing circuitry for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Regarding claim 4 Chern teaches a speaker coupled to receive an analog signal from audio processing circuitry wherein the speaker creates audio for human perception (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Regarding claim 5 Chern teaches a microphone for converting sound into electrical signals, which electrical signals are transmitted to an audio processor (see col. 4, lines 29-35, col. 14, lines 50-57, and FIG. 5).

Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salin in view of Henry-Labordere.

Regarding claim 11 Salin teaches a GPRS capable mobile terminal for receiving an SMS message, comprising: receiving a plurality of data packets; determining that the plurality of data packets form an SMS message; reforming an SMS message; and processing the SMS message by SMS processing circuitry within the mobile station (see abstract, col. 6, lines 1-12 & 29-55, and col. 11, lines 13-35). Salin does not specifically teach removing packet header information. Henry-Labordere teaches removing header information to construct an SMS message (see abstract and col. 3, lines 38-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include removing packet header

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information because this would allow for a flexible mechanism that allows for a combination of network routing.

Regarding claim 13 Salin teaches transmitting an SMS message from a mobile terminal to a base station in a data packet format (see col. 1-25 and FIG. 1).

Regarding claim 14 Salin teaches converting an SMS message into a plurality of data packets (see col. 6, lines 15-55).

Regarding claim 15 Salin teaches IP address information of a message center for transmission of data packets (see col. 6, lines 35-55 and col. 7, lines 25-31). Henry-Labordere teaches inserting header address information into an SMS message (see col. 3, lines 28-56).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salin in view of Henry-Labordere and Lorello.

Regarding claim 12 Salin and Henry-Labordere teach a device as recited in claim 11 except for receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal. Salin does teaches processing an SMS message within a mobile terminal (see col. 6, lines 1-12 & 15-25). Lorello teaches transmitting a message in a legacy SMS network (see col. 9, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal because this would allow for a flexible routing mechanism that allows for a combination of network routing.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ahopelto et al. U.S Patent No. 5,970,059 discloses a packet radio system and methods for protocol-independent routing of a data packet in packet radio networks.

Stocker et al. U.S Patent No. 6,510,323 discloses a method and system for providing general information to users in a mobile radio network.

Chatterjee et al. et al. U.S Patent No. 6,188,899 discloses a system and method for automatic registration notification for over-the-air activation.

Pernice et al. U.S Patent No. 5,956,329 discloses a method of packet-wise data transmission in a mobile-radio network.

Lupien et al. U.S Patent No. 6,463,055 discloses an integrated radio telecommunications network and method of interworking an ANSI-41 network and the general packet radio service (GPRS).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

June 11, 2003



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